

REMARKS/DISCUSSION OF ISSUES

Claims 1-12 are pending in the application.

Claims 1-9 were previously allowed, in which (a) claim 1 recited that the protective sleeve was composed of neodymium; (b) claims 4 and 5 which depended from claim 1 recited that the protective sleeve was quartz or Vycor doped with neodymium or on which a film of neodymium has been applied. In addition, in the reasons for allowance and in Applicant's remarks filed April 13, 2004, it is stated that the term "composed of" excludes the presence of all other elements in the protective sleeve. Upon review of the application prior to payment of the Issue Fee, it became apparent that claims 4 and 5 could not properly depend from claim 1 since a material doped with a substance is not composed of the dopant. Similarly, a material bearing a film of a different substance is not composed of the film substance. Finally, it became even clearer that Applicant is entitled to claims broader than the allowed claims in view of the cited prior art. The present amendment made in the refiled application is submitted together with this request for reconsideration and allowance of all of the claims.

In the Notice of Allowance mailed May 6, 2004, the Examiner indicated that the rejection of the claims had been overcome due to the use of the terminology 'composed of' neodymium, which excludes all other elements in the protective sleeve. Claims 1-3 and 6-9 have retained this terminology and are thus indicated to be allowable.

In contrast, however, newly submitted claims 10-12 and claims 4 and 5 as amended now claims a lamp comprising:

a light source formed by a metal halide arc tube,

a protective sleeve around the light source, said sleeve having a pair of opposed ends,

a metal frame supporting said sleeve, and
a glass envelope surrounding the light source, the
protective sleeve, and the metal frame,
wherein the protective sleeve around the light source
comprises more than a trace amount of neodymium.

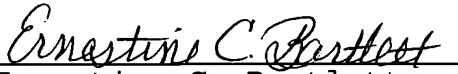
It is submitted that these claims are patentable over the
combination of Nelson and Rajaram previously relied on
primarily because Rajaram does not disclose a structure as
claimed wherein an arc tube is surrounded by a protective
sleeve comprising more than a trace amount of neodymium, and
which arc tube/sleeve is in turn surrounded by a glass
envelope. Moreover, Rajaram contains no disclosure which when
combined with Nelson renders the instant invention obvious. The
reference discloses a metal halide or mercury lamp including an
arc tube comprised of a glass consisting essentially of at
least 90% SiO₂ and including between about 10 and 1000 parts
per million of a trivalent element selected from Pr, Nd, Pm,
Sm, Gd, Tb, Dy, Ho, Er, Tm, Yb, Lu, Ac, Th, Pa, U, Np, Pu, Am,
Cm, Bk, Cf, Es, Fm, Md, No, Lr, Unq, Unp, Ga, and mixtures
thereof.

The reference discloses in Fig.3, a lamp 10 having an
outer envelope 12 and an arc chamber 14 made of the glass doped
with the trivalent element. The Examiner has asserted that
color and other functional properties are optimized through use
of the disclosed glass composition. However, what is actually
disclosed at col. 5, lines 14-16 is that only trace amounts
(i.e. less than 2 ppm) permit optimization of functional
properties and that large quantities are preferably avoided to
minimize their undesirable effect on lamp operation; and at
col. 10, lines 39-42, quartz doped with Al and Cs or Al and Y.
The reference is devoid of any teaching that improved
properties may be obtained when a protective sleeve comprising

neodymium is provided in a lamp as claimed. Absent Applicant's disclosure there is no incentive or motivation to provide a protective sleeve around an arc tube which is surrounded by a glass envelope as claimed.

In view of the foregoing, Applicant respectfully requests that the Examiner allow all of the pending claims, and find the application to be in condition for allowance.

Respectfully submitted,


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